

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

Peak North Dakota, LLC, a Colorado)	
limited liability company; Peak Energy)	
Resources, LLC, a Delaware limited)	
liability company; Jack Vaughn; Alex)	
McLean; and Matt Gray,)	
)	
Plaintiffs,)	ORDER (AMENDED)
)	
vs.)	
)	
Wilbur Wilkinson, et. al.,)	Case No. 4:08-cv-087
)	
Defendants.)	

The court conducted a status conference with the parties on December 15, 2009. Attorney Michael J. Abrams appeared on behalf of Plaintiffs. Attorney Ervin J. Lee appeared on Wilkinson's behalf. Attorney Christopher G. Lyster appeared on behalf of Standing Bear Traders, LLC and Margarita Burciaga-Taylor. Attorney Joe D. Tolbert appeared on behalf of Richard L Howell.

During the course of the conference, Standing Bear Traders, LLC agreed to withdraw its pending Motion to Dismiss. The parties further agreed that the defendants would be given additional time to file a responsive pleadings and assert any other claims. Accordingly, the court

ORDERS:

1. The Motion to Dismiss filed by Standing Bear Traders, LLC (Docket No. 12) is termed as **MOOT**.
2. The defendants, to the extent that they have not done so, shall have until January 15, 2010, to file an answer to the Plaintiffs' complaint and assert any other claims.

3. The court shall conduct a scheduling conference by telephone with the parties on January 29, 2010, at 10:00 a.m. The court shall initiate the conference call. The parties are to submit a revised scheduling/discovery plan to the undersigned prior to the conference.
4. The final pretrial conference scheduled for April 20, 2010, is cancelled. The trial scheduled for May 3, 2010, is also cancelled. Both shall be rescheduled at a date to be determined.

Dated this 15th day of December, 2009.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge